

# California Fair Political Practices Commission

February 22, 1989

Honorable Tom Torlakson  
Supervisor, District Five  
Contra Costa County  
Board of Supervisors  
300 East Leland Road, Suite 100  
Pittsburg, CA 94565

Re: Your Request for Advice  
Our File No. A-89-089

Dear Mr. Torlakson:

This is in response to your letter requesting advice regarding the responsibilities of Mr. Wruble of the West Pittsburg Alliance under the conflict-of-interest provisions of the Political Reform Act (the "Act").<sup>1/</sup> You have asked whether Mr. Wruble may participate in zoning decisions concerning land immediately adjacent to real property which he owns. In addition, you have requested advice as to whether Mr. Wruble's past conduct violated the conflict of interests provisions of the Act.

The Act requires the Commission to provide formal written advice to any person whose duties under the Act are in question or by that person's authorized representative. (Section 83114(b).) The Commission does not provide advice to third parties concerning another person's duties under the Act. (Regulation 18329(b)(8), copy enclosed.) It does not appear that you have Mr. Wruble's authorization to request advice from the Commission at this time. Consequently we are unable to provide advice on the issue you raised in your letter. Should you receive appropriate

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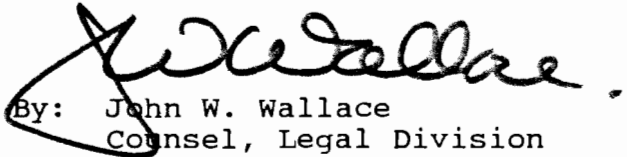
<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to Regulations are to Title 2, Division 6 of the California Code of Regulations.

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authorization, or if Mr. Wruble contacts the Commission directly,  
we will be happy to respond.

Sincerely,

Diane M. Griffiths  
General Counsel

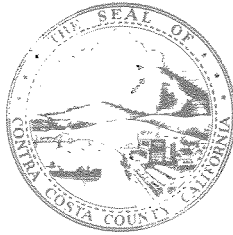
  
By: John W. Wallace  
Counsel, Legal Division

DMG:JWW:plh

Enclosure

# Tom Torlakson

Supervisor, District Five  
Contra Costa County  
Board of Supervisors



300 East Leland Rd.  
Suite 100  
Pittsburg, California 94565  
(415) 427-8138

January 23, 1989

Fair Political Practices Commission  
P.O. Box 807  
Sacramento, CA 95804  
Attn: John Wallace

Dear Mr. Wallace:

A few citizens have asked whether a "conflict of interest" may exist in the votes of a community advisory body known as the West Pittsburg Alliance. Their questions relate to the advocacy activities of one of the members of the West Pittsburg Alliance as it relates to a 37-acre project known as Sea Breeze. The concerns revolve around whether this individual is being truly objective in his advocacy and voting on the West Pittsburg Alliance.

Stan Wruble is a property owner on the street that is closest to the proposed new subdivision. This street is separated only by an open space buffer owned by Mr. Wruble and the neighbors through their subdivision's homeowner's association. (Please see Attachment #1.)

On behalf of the citizens and myself I am asking for an opinion as to whether Mr. Stan Wruble would be in conflict of interest if he voted on this matter when it comes again before the West Pittsburg Alliance sometime in early March. The vote on this citizen's advisory body is expected to be a very close one and that is why questions have focused around Mr. Wruble's eligibility to vote.

An additional circumstance exists in raising this question at this time. The West Pittsburg Alliance is presently an incorporated citizens group operating under its own by-laws to elect its own seven member board through periodic election meetings. They have discussed for some time becoming an official arm of the county government through their appointment as a "Municipal Advisory Council." They recently voted to request that official county status. I have recommended to my Board of Supervisors that this move be considered. It is under review at this time.

Contra Costa County has one existing municipal advisory council in Oakley and our County Counsel has previously ruled that it is subject to--as an official arm of county government--all of the county's and state's laws pertaining to conflict of interest, the Brown Act, etc.

In anticipation of its becoming a Municipal Advisory Council in the near future, and in the interest of "good government", the West Pittsburg Alliance has already adopted in its own by-laws the same guidelines that the county applies for the Brown Act and Conflict of Interest (Attachments #2 and #3). These guidelines apply to all of our planning commissions and the Oakley Municipal Advisory Council.

Two questions, then, exist: (1) Would Mr. Wruble have a conflict of interest when the matter comes to another vote before the Alliance and the Alliance is at that point a newly designated "Municipal Advisory Council?" (2) Did a "conflict" exist before in a previous vote of the Alliance with its status simply as an advisory council?

The timing is such that the West Pittsburg Alliance may be designated officially by the Board of Supervisors as a MAC in the very near future. This may also be about the time the Sea Breeze/Garrett project would be voted on again.

In regard to the second question, Mr. Wruble has been a vigorous advocate for the developer's current proposal and has voted for it once or twice in the past.\*

The issue in the second question is probably not a "legal" one but rather an internal "by-laws" issue for the Alliance--and as such may not fall under your scope of jurisdiction. The issue in the first question is a "county" issue because of the current Board of Supervisors consideration of the "MAC."

Additional pertinent fact: As you can see from the map, the Wruble property is located approximately 675' from the proposed project which is just outside the "automatic conflict" distance of 300 feet. Mr. Wruble recently submitted an application for a county fire commissioner post which indicated he no longer lives at 484 Azores. It has been reported that he moved about one year ago. Assessor's records, nonetheless, show he is still one of the current owners (Attachment #4).

Please call if I can provide any additional information.

Sincerely,



Tom Torlakson

TT:gro  
Attachments

\*Mr. Wruble and most of his neighbors were very much against the developer's first proposal for apartments. One of their major concerns was a loss to their own property values (Attachment #5). The developer has now modified the project and is proposing single family homes--but many citizens are opposing the latest proposal unless it sets aside an important open space area as a park.